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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : August, et al.

TITLE : **AN INFORMATION AND COMMUNICATION SYSTEM**

APPLICATION NO. : 09/653,810

FILED : September 1, 2000

CONFIRMATION NO. : 5991

EXAMINER : Le Hein Luu

ART UNIT : 2141

ATTORNEY DOCKET NO. : LUTZ 2 00034
August 26-9-50

REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being filed within two months of the March 20, 2007 mailing of the Examiner's Answer in the Appeal of the above-identified patent application.

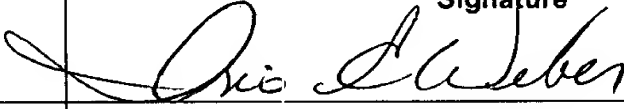
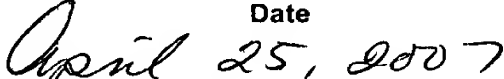
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I certify that this **Reply Brief Under C.F.R. 41.41** and accompanying documents are being

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Reply to Section (9) --Grounds of Rejection--(of the Examiner's Answer)

Section 9 of the Examiner's Answer provides a restatement of the withdrawal of **claim 18** and the rejection of **claims 1-17** as they were presented in the Final Office Action that was mailed March 24, 2006.

However, Section (10)(iii) of the Examiner's Answer stipulates that the withdrawal of **claim 18** was improper and that claim 18 is now allowed.

Accordingly, **claim 18 is allowed** and there are no grounds of rejection related to **claim 18**.

Reply to Section (10) --Response to Arguments--(of the Examiner's Answer)

The Examiner's Response to Arguments is provided in three sections (I), (II) and (III). The first portion (I) summarizes and restates assertions and citations made in the Final Office Action and which were addressed in detail on, for example, pages 9-13, of Applicants' Brief on Appeal under 37 C.F.R. §41.37, which was filed December 11, 2006.

Additionally, portion (I) of Section 10 --Response to Arguments-- of the Examiner's Answer provides a characterization (in bold and underlined text) of text from page 23, line 4 – page 24, line 34, of the present application. That portion of the present application describes an exemplary embodiment of the methods and systems of the present application involving a car dealership and customers of the car dealership. In this regard, the Examiner's Answer attempts to draw an analogy between the car dealership and the advertisers of the Bull reference that is cited against claims 1-17. In this regard, the Examiner's Answer asserts that "applicant considered the car dealership or advertiser is associate of the user."

However, this statement represents a mischaracterization of the subject matter of the specification of the present application. As explained, for example, at page 23, lines 4-11, in the scenario referred to by the Examiner, the car dealership is not an advertiser. Instead, **in the referenced scenario, the car dealership is the user referred to in claim 1** and the customers are associates of the dealership (or user) or guest users of the personal space. Therefore, the conclusion drawn in the Examiner's Answer that the "advertiser" of Bull's teaching is read onto Applicants' recitation of an "associate of the user" is not supported by the Examiner's citation of pages 23 and 24 of the present application. The advertisers of Bull are not fairly construed to be associates of the user of Bull (see the definition of the word --

associate-- and the discussion thereof, beginning on page 10 of Applicants' Brief on Appeal). Moreover, in the scenario referred to in the Examiner's Answer, found on pages 23 and 24 of the present application, the car dealership is clearly identified as the "user" and the customer is clearly identified as the "associate" of the user. Therefore, the specification of the present application does not support the assertion of the Examiner's Answer that the "Applicants considered the car dealership to be an associate of the user" or that the advertiser (of Bull) reads on the Applicants' limitation "associate of the user."

Portion (III) of the --Response to Arguments-- of the Examiner's Answer appears to address the assertion of the Applicants that the prior art does not disclose an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system. In so doing, the Examiner's Answer makes assertions with regard to the disclosure of Bull. However, the Examiner's Answer does not assert that some component of the system of Bull reviews information pushed at the system of Bull from outside the system of Bull. Even if the ad data store of the advertisers of Bull is considered to be outside the system of Bull, Bull does not disclose or suggest that some portion of the system of Bull reviews the ads or coupons. The review referred to in, for example, the recitation of **claim 12** of the present application, is clearly a system component meant to filter out information and save the user from having to look at unwanted information. Accordingly, the disclosure of the user of Bull receiving and viewing ads referred to in the Examiner's Answer is not fairly construed as disclosure of an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system as recited in **claim 12**.

The acknowledgement in portion (III) of Section (10) --Response to Arguments-- of the Examiner's Answer that the withdrawal of claim 18 was improper and that **claim 18** is now allowed is noted with appreciation.

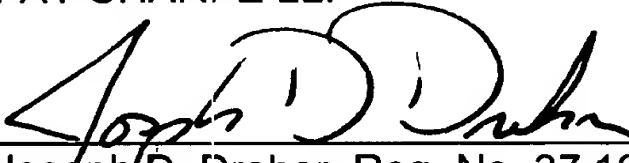
Conclusion

In view of the above and the comments set forth in Applicants' Brief on Appeal under 37 C.F.R. §41.37, which was filed on December 11, 2006, the Applicants respectfully submit that **claims 1-18** are not anticipated and are not obvious in light of the cited reference. Accordingly, it is respectfully requested the Examiner's rejections of **claims 1-17** be reversed.

Very truly yours,

FAY SHARPE LLP

April 25, 2007
Date



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